

Ethical Use of Force

*Telecourse DVD (New)
October 2005*

POST Course Control Number: **xxxx-30001-xx039***
CPT Hours: **2.0**
DVD Shipping Date: **10/17/05**
Reference Guide: **None**

The core mission of law enforcement is to protect and serve the public with reverence for human life and liberty. A key component of this mission is for officers to "do the right thing" and ensure ethical use of force-- appropriate force, when necessary, directed in the right way at the right people. Important considerations include graduating the use of force, keeping it calibrated, keeping it disciplined and restrained, and using only the force that is necessary and justified for the situation at hand.

This program presents supervisors and officers with an engaging look at ethical issues related to the use of force and presents several stand-alone scenarios, plus shows actual examples of roll-call or line-up training sessions using the scenarios.

The Telecourse DVD offers several viewing options:

1. Play Telecourse in its entirety (190 min.)
2. Supervisor Introduction (5 min.)
3. Officer Introduction (5 min.)
4. Training Segments (includes scenarios and sample training sessions):
 - Legal and Judicious Use of Force (18 min.)
 - Correlating Force Options with Resistance (23 min.)
 - Managing Emotions (21 min.)
 - Intervening to Prevent Excessive Force (18 min.)
 - Role of Training in the Ethical Use of Force (14 min.)
 - A Reverence for Life and Liberty (23 min.)
 - Importance of Teamwork in Use of Force Incidents (17 min.)
 - Documenting Critical Information (27 min.)
 - Use of Lethal Force as an Option (28 min.)
5. Wrap-Up (5 min.)
6. Printable "Facilitator Guide Document" (PDF format)

* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the preassigned Telecourse Presenter Number specific to your agency; the tenth and eleventh digits (xx) are the fiscal year in which your agency presents this program. See website for detailed instructions.



45 Minutes - Monthly Edition DVD
October 2005

Case Law Today programs are released monthly on a single DVD containing a single month (6 total segments). Case Law Today programs are not accompanied by reference guides nor eligible for Continuing Professional Training (CPT) credit.

Miranda: Unequivocal Invocation of Right to Counsel

with Daniel McNerney, Superior Court Judge, State of California

A suspect seeking to invoke his right to have an attorney during questioning must make such request "clear and unambiguous." *Cases/Statutes cited: People v. Stitley* (2005) 35 CA 514; *People v. Roquemore* (2005) 131 CA4 11. (7:18)

Parole Search Clauses: Constructive Knowledge

with Jeff Rubin, Alameda County District Attorney's Office

Officers must have advance knowledge that a suspect has a parole search clause in order to conduct a parole search. However, knowledge the suspect is on parole provides sufficient knowledge the suspect has parole search clause and the search may be conducted without reasonable suspicion notwithstanding any arguably contrary rule in Ninth Circuit. *Cases/Statute cited: People v. Middleton* (2005) 31 Cal.Rptr.3d 813; *Moreno v. Baca* (9th Cir. 2005) 400 F.3d 1152; Pen. Code, § 3067. (3:09)

Stops on Anonymous Tips... Again

with William Bedsworth, Justice of the Court of Appeal, State of California

Search and seizure law is currently in a state of foment on the issue of whether a stop can be justified on the basis of an anonymous tip. Justice Bedsworth analyzes the latest in a series of very important cases in this area. *Cases/Statutes cited: People v. Rodgers* (2005 DJDAR 10122, 8/22/05); *Florida v. J.L.* (2000) 529 U.S. 266; *U.S. v. Holloway* (11th Cir. 2002) 290 F.3d 1331; *People v. Coulombe* (2000) 86 CA4 52. (7:54)

Transferring Forfeited Property to the Feds

with Jeff Rubin, Alameda County District Attorney's Office

State law enforcement officers who seize property for forfeiture may transfer that property to federal law enforcement officers for federal forfeiture proceedings without providing notice to claimants. However, when the property has been seized pursuant to a search warrant, a court order in state court should be obtained authorizing the transfer. *Cases/Statute cited: People v. \$25,000* (2005) 131 Cal.App.4th 127; Health & Saf. Code, §§ 11469 et seq. (10:27)

Miranda: Foreign Translation of Rights

with Daniel McNerney, Superior Court Judge, State of California

Interpreters used to translate the advisement of Miranda rights must be careful to translate completely and accurately. *Cases/Statutes cited: U.S. v. Lopez* (2003) DAR 12191; *U.S. v. Santa Cruz* (1993) 826 F. Supp. 355; *People v. Jaing* (2005) 130 CA4 1512. (6:14)

Recording Pre-trial Detainees and "Prompting Questions"

with Jeff Rubin, Alameda County District Attorney's Office

A jailed pre-trial detainee may be secretly tape-recorded talking to other inmates while in a jail cell. Also, if police officers engage in custodial interrogation of a jailed suspect after he has invoked his *Miranda* rights and the suspect doesn't say anything in response to the police but the police interrogation does prompt the suspect to later say something to his fellow inmates after the police are gone, there is no constitutional violation. *Case cited: People v. Davis* (2005) 36 Cal.4th 510. (9:14)

More Information and Future Programs

Distribution and Ordering

DVDs are direct-mailed each month to POST-Certified Telecourse Presenters and Basic Academies in the California POST Program. Multiple copies of CPTN materials are available via automated direct-mail to eligible agencies with multiple training sites. See POST Bulletins #03-03 and #03-13 at www.post.ca.gov/bulletin/bulletins.asp for more information about DVD distribution/eligibility. Visit the CPTN website for complete CPTN information, video listings, and to order videos.

Telecourse CPT Credit

This month's Telecourse(s) and most previous Telecourses are eligible for continuing professional training (CPT) credit if facilitated by a POST-Certified Telecourse Presenter. Certified Presenters of POST Advanced Officer Courses or Skills and Knowledge Modular training courses may also use the Telecourses as part of those courses. POST-Certified Telecourse Presenters seeking CPT credit for trainees must document Telecourse attendance on POST Course Roster (Form 2-111). For detailed instructions on completion of the Telecourse Course Roster, visit www.post.ca.gov/training/cptn/credit.asp. Call the POST Training Delivery Bureau at 916.227.4866 for more information about Telecourse CPT credit.

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Future Program Releases

Case Law Today - Monthly DVD Release (Nov. 2005)

Terrorism: Suicide Bombers (Nov. 2005)

Case Law Today - Monthly DVD Release (Dec. 2005)

Electronic and Projectile Weapons (Dec. 2005)

Case Law Today - Monthly DVD Release (Jan. 2006)

2006 Legal Update (Jan. 2006)